

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

)
) MDL No. 1456
)

) Master File No. 01-CV-12257-PBS
)

) Sub-Docket No. 03-CV-10643-PBS
)

THIS DOCUMENT RELATES TO

)
) Hon. Patti B. Saris
)

The City of New York v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 04-CV-06054

County of Albany v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0425

)
) **STIPULATION REGARDING THE**
) **NEW YORK EPIC PROGRAM'S**
) **RECEIPT OF AMP DATA FROM**
) **ASTRAZENECA**
)

County of Allegany v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-0236

County of Broome v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0456

County of Cattaraugus v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-0256

County of Cayuga v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0423

County of Chautauqua v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-0214

County of Chemung v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-6744

County of Chenango v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0354

County of Columbia v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0867

County of Cortland v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0881

County of Dutchess v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 05-CV-6458

County of Essex v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0878

<i>County of Fulton v. Abbott Laboratories, Inc., et al.</i>)
N.D.N.Y. Case No. 05-CV-0519)
)
<i>County of Genesee v. Abbott Laboratories, Inc., et al.</i>)
W.D.N.Y. Case No. 05-CV-00267)
)
<i>County of Greene v. Abbott Laboratories, Inc., et al.</i>)
N.D.N.Y. Case No. 05-CV-0474)
)
<i>County of Herkimer v. Abbott Laboratories, Inc., et al.</i>)
N.D.N.Y. Case No. 05-CV-00415)
)
<i>County of Jefferson v. Abbott Laboratories, Inc., et al.</i>)
N.D.N.Y. Case No. 05-CV-0715)
)
<i>County of Lewis v. Abbott Laboratories, Inc., et al.</i>)
N.D.N.Y. Case No. 05-CV-0839)
)
<i>County of Madison v. Abbott Laboratories, Inc., et al.</i>)
N.D.N.Y. Case No. 05-CV-00714)
)
<i>County of Monroe v. Abbott Laboratories, Inc., et al.</i>)
W.D.N.Y. Case No. 05-CV-6148)
)
<i>County of Nassau v. Abbott Laboratories, Inc., et al.</i>)
E.D.N.Y. Case No. 04-CV-05126)
)
<i>County of Niagara v. Abbott Laboratories, Inc., et al.</i>)
W.D.N.Y. Case No. 05-CV-06296)
)
<i>County of Oneida v. Abbott Laboratories, Inc., et al.</i>)
N.D.N.Y. Case No. 05-CV-0489)
)
<i>County of Onondaga v. Abbott Laboratories, Inc., et al.</i>)
N.D.N.Y. Case No. 05-CV-0088)
)
<i>County of Ontario v. Abbott Laboratories, Inc., et al.</i>)
W.D.N.Y. Case No. 05-CV-6373)
)
<i>County of Orange v. Abbott Laboratories, Inc., et al.</i>)
S.D.N.Y. Case No. 07-CV-2777)
)
<i>County of Orleans v. Abbott Laboratories, Inc., et al.</i>)
W.D.N.Y. Case No. 05-CV-6371)
)
<i>County of Putnam v. Abbott Laboratories, Inc., et al.</i>)
S.D.N.Y. Case No. 05-CV-04740)
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<i>County of Rensselaer v. Abbott Laboratories, Inc., et al.</i>)
N.D.N.Y. Case No. 05-CV-00422)
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)

<i>County of Rockland v. Abbott Laboratories, Inc., et al.</i>)
S.D.N.Y. Case No. 03-CV-7055)
)
<i>County of Schuyler v. Abbott Laboratories, Inc., et al.</i>)
W.D.N.Y. Case No. 05-CV-6387)
)
<i>County of Seneca v. Abbott Laboratories, Inc., et al.</i>)
W.D.N.Y. Case No. 05-CV-6370)
)
<i>County of St. Lawrence v. Abbott Laboratories, Inc., et al.</i>)
N.D.N.Y. Case No. 05-CV-0479)
)
<i>County of Saratoga v. Abbott Laboratories, Inc., et al.</i>)
N.D.N.Y. Case No. 05-CV-0478)
)
<i>County of Steuben v. Abbott Laboratories, Inc., et al.</i>)
W.D.N.Y. Case No. 05-CV-6223)
)
<i>County of Suffolk v. Abbott Laboratories, Inc., et al.</i>)
E.D.N.Y. Case No. 03-CV-12257)
)
<i>County of Tompkins v. Abbott Laboratories, Inc., et al.</i>)
N.D.N.Y. Case No. 05-CV-0397)
)
<i>County of Ulster v. Abbott Laboratories, Inc., et al.</i>)
N.D.N.Y. Case No. 06-CV-0123)
)
<i>County of Warren v. Abbott Laboratories, Inc., et al.</i>)
N.D.N.Y. Case No. 05-CV-0468)
)
<i>County of Washington v. Abbott Laboratories, Inc., et al.</i>)
N.D.N.Y. Case No. 05-CV-0408)
)
<i>County of Wayne v. Abbott Laboratories, Inc., et al.</i>)
W.D.N.Y. Case No. 05-CV-06138)
)
<i>County of Westchester v. Abbott Laboratories, Inc., et al.</i>)
S.D.N.Y. Case No. 03-CV-6178)
)
<i>County of Wyoming v. Abbott Laboratories, Inc., et al.</i>)
W.D.N.Y. Case No. 05-CV-6379)
)
<i>County of Yates v. Abbott Laboratories, Inc., et al.</i>)
W.D.N.Y. Case No. 05-CV-06172)
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WHEREAS Defendants AstraZeneca Pharmaceuticals LP and AstraZeneca LP

(“AstraZeneca”) have sought discovery relating to the receipt of Average Manufacturer Price

(“AMP”) data by the New York EPIC Program for the AstraZeneca drugs at issue in these actions, as listed in Revised Exhibit B to Plaintiffs’ First Amended Consolidated Complaint;

WHEREAS the New York EPIC Program has stated that producing the requested discovery would be unduly burdensome; and

WHEREAS AstraZeneca and the City of New York and each of the Plaintiff New York Counties in the above-referenced actions (collectively, the “Plaintiffs”) wish to enter into a stipulation in the interest of avoiding a discovery dispute regarding the receipt of AMP data by the New York EPIC Program;

NOW THEREFORE AstraZeneca and Plaintiffs, by their respective attorneys, hereby stipulate and agree as follows:

1. The New York EPIC Program has received Average Manufacturer Prices (“AMPs”) from certain prescription drug manufacturers, including defendants in the case styled *City of New York, et al. v. Abbott Labs., Inc., et al.* (MDL 1456). The EPIC Rebate Agreement instructs manufacturers to certify “that Average Manufacturer Price (AMP), Best Price and Baseline AMP data reported to EPIC are identical to the data reported to the Centers for Medicare and Medicaid Services under Section 1927 of the Federal Social Security Act, if the Manufacturer is required to report such data to the Centers for Medicare and Medicaid Services.”
2. Plaintiffs hereby stipulate and agree that AstraZeneca reported AMPs to EPIC on a quarterly basis for the NDCs identified in Exhibit A attached hereto.

3. This stipulation is solely for the purpose of identifying those NDCs for which AMPs were provided to EPIC for the time periods specified in Exhibit A. It does not constitute an admission by any party that the NDCs identified in Exhibit A are properly at issue in this litigation or otherwise properly attributed to AstraZeneca.

Respectfully submitted,

City of New York and New York
Counties in MDL 1456 except Nassau
and Orange

AstraZeneca Pharmaceuticals LP and
AstraZeneca LP

/s/ Jocelyn R. Normand

Joanne M. Cicala
James P. Carroll, Jr.
Jocelyn R. Normand

KIRBY MCINERNEY, LLP
825 Third Avenue
New York, New York 10022
(212) 371-6600

/s/ Sheldon L. Pollock

Joel M. Cohen (admitted *pro hac vice*)
Sheldon L. Pollock (admitted *pro hac vice*)
Andrew E. Krause (admitted *pro hac vice*)

DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
New York, New York 10017
Tel: (212) 450-4000

Dated: March 31, 2010

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing – STIPULATION REGARDING THE NEW YORK EPIC PROGRAM’S RECEIPT OF AMP DATA FROM DEFENDANTS ASTRAZENECA PHARMACEUTICALS LP AND ASTRAZENECA LP – was delivered to all counsel of record by sending a copy to LexisNexis File and Serve on March 31, 2010, for posting and notification to all parties.

Dated: March 31, 2010

By: /s/ Andrew E. Krause

Andrew E. Krause (admitted *pro hac vice*)
DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
New York, New York 10017
Tel: (212) 450-4000

*Attorneys for AstraZeneca Pharmaceuticals LP and
AstraZeneca LP*